

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SCOTT PETERSON,

Plaintiff,

v.

MICHAEL CULLEN, et al.,

Defendants.

CASE NO. C05-465JLR

ORDER

The court is in receipt of Plaintiff's unopposed motion to strike the answer of Defendants Michael and Jane Doe Cullen ("the Cullens") (Dkt. # 49) and Plaintiff's unopposed motion for sanctions pursuant to Fed. R. Civ. P. 11 ("Rule 11") (Dkt. # 50). For the reasons stated below, the court DENIES Plaintiff's motions.

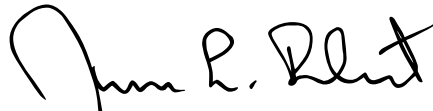
On more than one occasion, the court has excused the Cullens' failure to properly e-file their answer with the court. See April 12, 2006 Minute Order (Dkt. # 45). Most recently, the court directed the Cullens to file their answer by April 17, 2006 with the instruction that they could redact the names of Defendants whom Mr. Cullen no longer represented without leave of court. Id. Plaintiff has now brought to the court's attention that, rather than filing the answer as directed, the Cullens took it upon themselves to amend their answer in several respects without leave of the court, in violation of Fed. R. Civ. P. 15.

The court previously cautioned the parties "to comply with the standard of practice expected in federal court, which includes reading the local and federal rules" (Dkt. # 45). The Cullens have failed to do so. Nevertheless, the court accepts the Cullens' filing

1 of April 17, 2006 (Dkt. # 47) as an amended answer. The court does so with an eye
2 toward judicial economy given the overwhelming likelihood that it would otherwise grant
3 a properly filed motion to amend. See Fed. R. Civ. P. 15 (“leave [to amend pleadings]
4 shall be freely given when justice so requires”).

5 Accordingly, the court DENIES Plaintiff’s request to strike the Cullens’ answer
6 (Dkt. # 49). Because the court accepts the Cullens’ filing, the court also DENIES
7 Plaintiff’s request for Rule 11 sanctions (Dkt. # 50). The Cullens should be aware,
8 however, that any future failure to comply with the Federal Rules of Civil Procedure or
9 the Local Rules of the Western District of Washington will result in sanctions up to the
10 entry of a default judgment against them.

11 Dated this 20th day of June, 2006.

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14 JAMES L. ROBART
15 United States District Judge
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